

PROB 12B
(12/98)

United States District Court

for

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The Western District of New York

MAY 25 2011

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

WILLIAM M. SKRETNY
United States District Judge
Western District of New York

Name of Offender: David Krause

Case Number: 1:97CR00169-001

Name of Sentencing Judicial Officer: William M. Skretny, Chief U.S. District Judge

Date of Original Sentence: March 25, 1998

Original Offense: Traveling Interstate with a Minor with the Intent to Engage in Sexual Activity, in violation of 18 U.S.C. §2423(b).

Original Sentence: One hundred and twenty (120) months in the custody of the Bureau of Prisons with a three (3)-year term of supervised release to follow. Special conditions included: sex offender treatment program, restricted computer use, no unsupervised contact with a minor, search of the subject's person and property and full financial disclosure.

Violation: On September 20, 2010, a violation was filed charging that the subject had committed the offense of Endangering the Welfare of a Child, in violation of NYSPL 260.10.01, a Class A misdemeanor and that he had inappropriate contact with a minor.

Revocation sentence: On November 4, 2010, the subject pled guilty to this Petition and was sentenced to nine (9) months in the custody of the Bureau of Prisons. This was to be followed with a term of two (2) years supervised release. Special conditions are those imposed in the original sentence and will remain in effect.

Type of Supervision: Supervised release **Date Supervision Commenced:** 01/13/09

PETITIONING THE COURT

- ☐ To extend the term of supervision for _ years, for a total term of _ years.
☒ To modify the conditions of supervision as follows:

The defendant is not to use a computer, Internet capable device, or similar electronic device to access pornography of any kind. This includes, but is not limited to, accessing pornographic websites, including websites depicting images of nude adults or minors. The offender shall not use his/her computer to view pornography stored on related computer media, such as CDs or DVDs, and shall not communicate via his computer with any

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individual or group who promotes the sexual abuse of children. The defendant shall also cooperate with the U.S. Probation Department's Computer and Internet Monitoring program. Cooperation shall include, but not be limited to, identifying computer systems, Internet capable devices, and/or similar electronic devices the defendant has access to, and allowing the installation of monitoring software/hardware on said devices, at the defendant's expense. The defendant shall inform all parties that access a monitored computer, or similar electronic device, that the device is subject to search and monitoring. The defendant may be limited to possessing only one personal Internet capable device, to facilitate our department's ability to effectively monitor his/her Internet related activities. The defendant shall also permit random examination of said computer systems, Internet capable devices, similar electronic devices, and related computer media, such as CDs, under his/her control. As part of the Computer and Internet Monitoring program, the defendant is prohibited from sending/receiving images, video or audio (MMS - multimedia messaging service) via a cellular telephone or other capable device as directed by the probation department. The defendant is required to notify their mobile telephone provider to prevent their account from sending/receiving images, video, or audio (MMS) and provide documentation to the probation department as proof of this requirement.

The defendant shall participate in a mental health treatment program, which may include participation in a treatment program for sexual disorders, as approved by the Probation Dept. The defendant shall contribute to the cost of such services rendered or any psychotropic medications prescribed via co-payment or full payment in an amount to be determined by the Probation Dept., based upon the defendant's ability to pay and/or the availability of third party payment. As part of the treatment program for sexual disorders, the defendant shall participate in a polygraph examination(s) to obtain information necessary for risk management and correctional treatment.

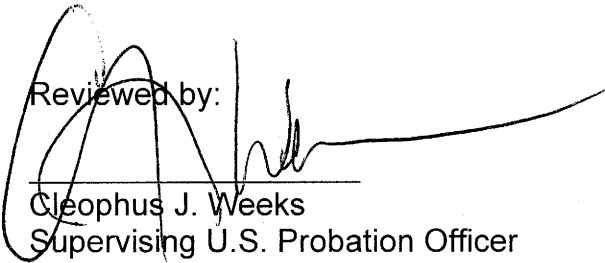
CAUSE

The subject, while in the custody of the Bureau of Prisons serving his sentence for a violation of supervised release, has made application to the U.S. Probation Office in the Eastern District of New York to be allowed to have his case supervised in that district. At this time, they have agreed to supervise the case but to facilitate the process, they have requested that we modify the terms of his release to be consistent with the monitoring program in that district. This officer discussed the fact that the Sentencing Court originally imposed a restriction on computer access. They feel, however, that the subject can be allowed computer access as long as it is monitored pursuant to their policies. This officer has no objection to this modification. The subject has also been fully advised of this and has indicated his agreement by signing the attached Probation Form 49.

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If the Court has any questions or concerns regarding this matter, please do not hesitate to contact this officer.

Reviewed by:



Cleophus J. Weeks
Supervising U.S. Probation Officer

Respectfully submitted,



By: Wm. Brian Burns
U.S. Probation Officer Specialist
Date: May 25, 2011

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THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



William M. Skretny, Chief U.S. District Judge

7/12/11

Date

EROB 49
(NYEP-8/1/07)

United States District Court
EASTERN DISTRICT OF NEW YORK

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, " I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel. "

I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

The defendant is not to use a computer, Internet capable device, or similar electronic device to access pornography of any kind. This includes, but is not limited to, accessing pornographic websites, including websites depicting images of nude adults or minors. The offender shall not use his/her computer to view pornography stored on related computer media, such as CD's or DVD's, and shall not communicate via his computer with any individual or group who promotes the sexual abuse of children. The defendant shall also cooperate with the U.S. Probation Department's Computer and Internet Monitoring program. Cooperation shall include, but not be limited to, identifying computer systems, Internet capable devices, and/or similar electronic devices the defendant has access to, and allowing the installation of monitoring software/hardware on said devices, at the defendant's expense. The defendant shall inform all parties that access a monitored computer, or similar electronic device, that the device is subject to search and monitoring. The defendant may be limited to possessing only one personal Internet capable device, to facilitate our department's ability to effectively monitor his/her Internet related activities. The defendant shall also permit random examinations of said computer systems, Internet capable devices, similar electronic devices, and related computer media, such as CD's, under his/her control. As part of the Computer and Internet Monitoring program, the defendant is prohibited from sending/receiving images, video, or audio (MMS - multimedia messaging service) via a cellular telephone or other capable device as directed by the probation department. The defendant is required to notify their mobile telephone provider to prevent their account from sending/receiving images, video, or audio (MMS) and provide documentation to the probation department as proof of this requirement.

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Witness: 
U.S. Probation Officer

Signed: 
Probationer or Supervised Releasee

6/27/11
Date